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**TO:****FROM:****Name:** Mail Stop AMENDMENT  
Group Art Unit 3764/Examiner Michael Brown**Name:** Thomas H. Martin, Esq.**Firm:** U.S. Patent & Trademark Office**Phone No.:** 330-877-2277**Fax No.:** 571-273-8300**No. of Pages (including this):** 9**Subject:** U.S. Patent Application No. 10/685,776**Date:** January 20, 2006

Gary Karlin Michelson

Filed: October 15, 2003

**METHOD FOR FORMING THROUGH A GUARD  
AN IMPLANTATION SPACE IN THE HUMAN  
SPINE****Confirmation Copy to Follow:** NO

Attorney Docket No. 102.0001-13000

Customer No. 22882

Confirmation No.: 6323


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**Message:**

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**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Information Disclosure Statement with Form PTO-1449 and 1 document (including translation) are being facsimile transmitted to the U.S. Patent and Trademark Office on January 20, 2006.

  
Sandra L. Blackmon

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PATENT  
Attorney Docket No. 102.0001-13000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Gary Karlin Michelson )  
Serial No.: 10/685,776 )  
Filed: October 15, 2003 )  
For: METHOD FOR FORMING THROUGH )  
A GUARD AN IMPLANTATION SPACE )  
IN THE HUMAN SPINE )

Confirmation No.: 6323

Group Art Unit: 3764

Examiner: Michael Brown

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Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the document listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

A copy of the listed non-U.S. patent document is attached.

Applicant respectfully requests that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

An English translation of the non-English document is enclosed.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If the Examiner applies the document as prior art against any claim in the application and Applicant determines that the cited document does not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: January 20, 2006

By: 

Thomas H. Martin  
Registration No. 34,383

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